

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representation of  
The original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

**PCT**WORLD INTELLECTUAL PROPERTY ORGANIZATION  
International Bureau

## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<b>(51) International Patent Classification <sup>6</sup>:</b> <b>A61K 31/165</b>	<b>A1</b>	<b>(11) International Publication Number:</b> <b>WO 99/30703</b> <b>(43) International Publication Date:</b> 24 June 1999 (24.06.99)
<b>(21) International Application Number:</b> PCT/SE98/02278 <b>(22) International Filing Date:</b> 10 December 1998 (10.12.98) <b>(30) Priority Data:</b> 9704644-5 12 December 1997 (12.12.97) SE <b>(71) Applicant (for all designated States except US):</b> ASTRA AKTIEBOLAG [SE/SE]; S-151 85 Södertälje (SE). <b>(72) Inventor; and</b> <b>(75) Inventor/Applicant (for US only):</b> PERSSON, Carl, Göran [SE/SE]; Astra Draco AB, P.O. Box 34, S-221 00 Lund (SE). <b>(74) Agent:</b> ASTRA AKTIEBOLAG; Patent Dept., S-151 85 Södertälje (SE).		<b>(81) Designated States:</b> AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).  <b>Published</b> <i>With international search report.</i>
<b>(54) Title:</b> USE OF FORMOTEROL IN MEDICAMENT FOR INFLAMMATION/ALLERGY IN UPPER AIRWAYS  <b>(57) Abstract</b>  The invention provides the use of an active ingredient which is formoterol, a pharmaceutically acceptable salt or solvate of formoterol, or a solvate of such a salt in the manufacture of a medicament for use in the treatment of an inflammatory and/or allergic condition in the upper airways of a human being.		

**FOR THE PURPOSES OF INFORMATION ONLY**

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
AM	Armenia	FI	Finland	LT	Lithuania	SK	Slovakia
AT	Austria	FR	France	LU	Luxembourg	SN	Senegal
AU	Australia	GA	Gabon	LV	Latvia	SZ	Swaziland
AZ	Azerbaijan	GB	United Kingdom	MC	Monaco	TD	Chad
BA	Bosnia and Herzegovina	GE	Georgia	MD	Republic of Moldova	TG	Togo
BB	Barbados	GH	Ghana	MG	Madagascar	TJ	Tajikistan
BE	Belgium	GN	Guinea	MK	The former Yugoslav Republic of Macedonia	TM	Turkmenistan
BF	Burkina Faso	GR	Greece			TR	Turkey
BG	Bulgaria	HU	Hungary	ML	Mali	TT	Trinidad and Tobago
BJ	Benin	IE	Ireland	MN	Mongolia	UA	Ukraine
BR	Brazil	IL	Israel	MR	Mauritania	UG	Uganda
BY	Belarus	IS	Iceland	MW	Malawi	US	United States of America
CA	Canada	IT	Italy	MX	Mexico	UZ	Uzbekistan
CF	Central African Republic	JP	Japan	NE	Niger	VN	Viet Nam
CG	Congo	KE	Kenya	NL	Netherlands	YU	Yugoslavia
CH	Switzerland	KG	Kyrgyzstan	NO	Norway	ZW	Zimbabwe
CI	Côte d'Ivoire	KP	Democratic People's Republic of Korea	NZ	New Zealand		
CM	Cameroon	KR	Republic of Korea	PL	Poland		
CN	China	KZ	Kazakhstan	PT	Portugal		
CU	Cuba	LC	Saint Lucia	RO	Romania		
CZ	Czech Republic	LI	Liechtenstein	RU	Russian Federation		
DE	Germany	LK	Sri Lanka	SD	Sudan		
DK	Denmark	LR	Liberia	SE	Sweden		
EE	Estonia			SG	Singapore		

## USE OF FORMOTEROL IN MEDICAMENT FOR INFLAMMATION/ALLERGY IN UPPER AIRWAYS

## FIELD OF THE INVENTION

- 5 The invention provides the use of formoterol in the treatment of inflammatory and allergic conditions in the upper airways of human beings.

## BACKGROUND OF THE INVENTION

- 10 Inflammatory and allergic conditions in the upper airways include conditions such as rhinitis, sinusitis and nasal polyps. Conditions such as these are conventionally treated by corticosteroid nasal sprays. The problem with using corticosteroids to treat these conditions is that it takes some time before they take effect.

- 15 The use of a beta-2-adrenostimulant, fenoterol, to treat seasonal allergic rhinitis has been investigated. It was found that it had an insignificant effect upon nasal hypersecretion and nasal blockage caused by the rhinitis (Borum et al, Allergy 42, (1987), pp. 141-145).

- US-A-4,975,466 to Ciba-Geigy relates to pharmaceutical preparations containing formoterol or one of its pharmaceutically acceptable salts, especially its semifumarate, for  
20 treatment of inflammatory skin diseases. The preparations are mainly used for topical, i.e. dermal, application, to the skin and/or mucous membrane, since formoterol is said to have a very pronounced antiphlogistic (dermally phlogistic) topically anti-inflammatory, action. More specifically, the preparations are intended for external use on the outer skin,  
25 including the conjunctiva of the eyeball, the lips and the genital and anal region. There is no information about use of formoterol or preparations thereof for alleviating inflammatory and/or allergic conditions in the upper airways.

C. Advenier et al, Br. J. Pharmacol., 105 (1995), pp. 792-798 relates to the effects of the  $\beta$  2 -adrenoceptor agonists, salbutamol and formoterol, on the increase of micro-vascular permeability induced by histamine or bradykinin in guinea-pig airways. In the nasal mucosa, only salbutamol in doses of 30  $\mu$ g/kg showed a significant inhibitory effect against  
5 histamine whereas formoterol 10  $\mu$ g/kg significantly increased the effects of histamine in a dramatic manner. Therefore, Advenier et al strongly indicates that use of formoterol in the treatment of inflammatory and/or allergic conditions in the upper airways should be avoided.

10 Accordingly there is a need for an effective treatment which has a faster onset time and a long duration.

#### SUMMARY OF THE INVENTION

15 The present invention is directed to the use of formoterol, or pharmaceutically acceptable salts or solvates thereof for manufacturing medicaments suitable for use in the treatment of an inflammatory and/or allergic condition in the upper airways of a human being.

According to a preferred embodiment of the invention, the active ingredient is formoterol  
20 fumarate dihydrate.

#### DETAILED DESCRIPTION OF THE INVENTION

According to the invention there is provided the use of an active ingredient which is formoterol, a pharmaceutically acceptable salt or solvate of formoterol, or a solvate of such a salt  
25 in the manufacture of a medicament for use in the treatment of an inflammatory and/or allergic condition in the upper airways of a human being.

According to the invention there is also provided a method of treating a patient suffering  
30 from an inflammatory and/or allergic condition in the upper airways which comprises

administering to the patient a therapeutically effective amount of the active ingredient, wherein the patient is a human being.

According to the invention there is further provided a pharmaceutical composition comprising the active ingredient in association with one or more pharmaceutically acceptable diluent, carrier or additive, which composition is for use in the treatment of an inflammatory and/or allergic condition in the upper airways of human beings.

Formoterol is an adrenoreceptor agonist which selectively stimulates  $\beta_2$ -receptors, with the formula (N-[2-hydroxy-5-[1-hydroxy-2-[[2-(4-methoxyphenyl)-1-methyl-ethyl]-amino]-ethyl]-phenyl]-formamide. It has surprisingly been found to be effective in the treatment of inflammatory and allergic conditions in the upper airways of human beings. Inhaled formoterol has the advantage that it both acts rapidly, usually within minutes, and exerts a prolonged effect of up to 12 hours.

Suitable physiologically acceptable salts of formoterol include acid addition salts derived from inorganic and organic acids, for example the chloride, bromide, sulfate, phosphate, maleate, fumarate, tartrate, citrate, benzoate, 4-methoxybenzoate, 2- or 4-hydroxybenzoate, 4-chlorobenzoate, p-toluenesulfonate, methanesulfonate, ascorbate, acetate, succinate, lactate, glutarate, gluconate, tricarballylate, hydroxynaphthalene-carboxylate or oleate salts or solvates thereof. The active ingredient is preferably formoterol fumarate, especially the dihydrate.

Formoterol, pharmaceutically acceptable salts and solvates of formoterol, and solvates of such salts can be prepared by the methods described in US-A-5,434,304 to Astra and DE-A-2,305,092 to Yamanouchi.

The preferred daily dose of the active ingredient is from 5 to 250 nmol (preferably from 15 to 120 nmol). When the active ingredient is formoterol fumarate dihydrate the preferred daily dose is from 3 to 96  $\mu\text{g}$ , more preferably from 3 to 48  $\mu\text{g}$  and most preferably from 3

to 24 µg per day. Examples of suitable unit doses include 3, 4.5, 6, 9 and 12 µg of formoterol fumarate dihydrate.

The invention provides a new and surprisingly effective treatment for inflammatory and/or allergic conditions in the upper airways of a human being. The conditions treatable by the invention are preferably in the nose and paranasal sinus. They include

- seasonal allergic rhinitis which is pollinosis caused by pollens from ragweed, birch, grass, cedar or other plants
- perennial allergic rhinitis caused by e.g. dust mites (*Dermatophagoides pteronyssinus* and *D. farinae*), cockroaches and mammals such as cats, dogs and horses
- perennial non-allergic rhinitis
- nasal polyps, as well as prevention of post surgical nasal polyps
- chronic sinusitis
- recurrent sinusitis and
- hypertrophic adenoids.

Preferably the active ingredient is used in admixture with one or more pharmaceutically acceptable additives, diluents or carriers, preferably in an amount of from 50 µg to 25 mg per dose, more preferably in an amount of from 50 µg to 10 mg, most preferably in an amount of from 100 to 4000 µg. Examples of suitable diluents or carriers include lactose, dextran, mannitol and glucose. Preferably lactose is used, especially as the monohydrate.

The active ingredient used in the invention is preferably in the form of a dry powder, more preferably a finely divided, e.g. a micronized, dry powder, e.g. having a mass median diameter of less than 10 µm, for example from 1 to 5 µm, most preferably an agglomerated micronized dry powder. Preferably at least 90% of the powder particles have a size below 15 µm. As an alternative to agglomeration the finely divided active ingredients may be in the form of an ordered mixture with one or more pharmaceutically acceptable additives, diluents or carriers. An ordered mixture is the combination of a finely divided active ingredient with coarse particles of a pharmaceutically acceptable additive, diluent and/or carrier.

The ingredients used in the invention can be obtained in these preferred forms using methods known to those skilled in the art.

The invention will be illustrated by the following examples which are not intended to limit  
5 the scope of the invention.

## EXAMPLES

### EXAMPLE 1

10 10 parts of formoterol fumarate dihydrate was mixed with 990 parts of lactose monohydrate. The blend was micronized using a high pressure air jet mill and then conditioned using the process of EP-A-717616. The mixture was then spheronised using the process of EP-A-721331, divided into parts, each of which were filled into the storage compartment of a Turbuhaler<sup>™</sup> fitted with a dosing disc such that it administered, when activated, a unit  
15 dose of 6 µg.

### *Example 2*

20 20 parts of formoterol fumarate dihydrate was mixed with 980 parts of lactose monohydrate. The blend was micronized using a high pressure air jet mill and then conditioned using the process of EP-A-717616. The mixture was then spheronized using the process of EP-A-721331, divided into parts, each of which were filled into the storage compartment of a Turbuhaler<sup>™</sup> fitted with a dosing disc such that it administered, when activated, a unit dose of 12 µg.



## CLAIMS

1. Use of an active ingredient which is formoterol, a pharmaceutically acceptable salt or solvate of formoterol, or a solvate of such a salt in the manufacture of a medicament for use in the treatment of an inflammatory and/or allergic condition in the upper airways of a human being.
2. Use according to claim 1, wherein the active ingredient is formoterol fumarate dihydrate.
3. Use according to claim 1 or 2, wherein the inflammatory and/or allergic condition is selected from the group consisting of seasonal allergic rhinitis, perennial allergic rhinitis, perennial non-allergic rhinitis, nasal polyps, chronic sinusitis, recurrent sinusitis and hypertrophic adenoids.
4. Use according to any previous claim, wherein the active ingredient is a finely divided dry powder, preferably an agglomerated micronized dry powder.
5. Use according to claim 4, wherein the finely divided dry powder has a mass median diameter of less than 10  $\mu\text{m}$ , preferably in the range of from 1 to 5  $\mu\text{m}$ .
6. Use according to any previous claim, wherein the daily dose of the active ingredient is from 5 to 250 nmol, preferably from 15 to 120 nmol.
7. A method of treating a human patient suffering from an inflammatory and/or allergic condition in the upper airways, which comprises administering to the human patient a therapeutically effective amount of an active ingredient which is formoterol, a pharmaceutically acceptable salt or solvate of formoterol, or a solvate of such a salt.

8. The method according to claim 7, wherein the active ingredient is formoterol fumarate dihydrate.

9. The method according to claim 7 or 8, wherein the inflammatory and/or allergic  
5 condition is selected from the group consisting of seasonal allergic rhinitis, perennial  
allergic rhinitis, perennial non-allergic rhinitis, nasal polyps, chronic sinusitis, recurrent  
sinusitis and hypertrophic adenoids.

10. A pharmaceutical composition comprising an active ingredient which is formoterol, a  
10 pharmaceutically acceptable salt or solvate of formoterol, or a solvate of such a salt in  
admixture with a pharmaceutically acceptable diluent, carrier and/or additive, which com-  
position is for use in the treatment of an inflammatory and/or allergic condition in the  
upper airways of a human being.

11. The pharmaceutical composition according to claim 10, wherein the active ingredient  
15 is formoterol fumarate dihydrate.

12. The pharmaceutical composition according to any one of claims 10 or 11, wherein the  
active ingredient is a finely divided dry powder, preferably an agglomeratedmicronized dry  
20 powder or an ordered mixture.

13. The pharmaceutical composition according to claim 12, wherein the finely divided dry  
powder has a mass median diameter of less than 10  $\mu\text{m}$ , preferably in the range of from 1  
to 5  $\mu\text{m}$ .

14. The pharmaceutical composition according to any one of claims 10 to 13, wherein the  
25 dose of active ingredient in admixture with a pharmaceutically acceptable diluent, carrier  
and/or additive, lies in the range of from 50  $\mu\text{g}$  to 25 mg, preferably from 100  $\mu\text{g}$  to 4 mg.

15. The pharmaceutical composition according to any one of claims 10 to 14, wherein the inflammatory and/or allergic condition is selected from the group consisting of seasonal allergic rhinitis, perennial allergic rhinitis, perennial non-allergic rhinitis, nasal polyps, chronic sinusitis, recurrent sinusitis and hypertrophic adenoids.

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/SE 98/02278

<b>A. CLASSIFICATION OF SUBJECT MATTER</b>		
IPC6: A61K 31/165 According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b>		
Minimum documentation searched (classification system followed by classification symbols)		
IPC6: A61K		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
SE,DK,FI,NO classes as above		
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	British Journal of Pharmacology, Volume 116, 1995, Stella R. O'Donnell et al, "The effects of formoterol on plasma exudation produced by a localized acute inflammatory response to bradykinin in the tracheal mucosa of rats in vivo", page 1571 - page 1576, page 1575, column 2, lines 14-33  --	1-15
X	Journal of applied physiology, Volume 77, 1994, J.J. Bowden et al, "Inhibition of neutrophil and eosinophil adhesion to venules of rat trachea by Beta2-adrenergic agonist formoterol", page 397 - page 405, page 404, lines 11-17  --	1-15
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C. <input checked="" type="checkbox"/> See patent family annex.		
* Special categories of cited documents "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art "&" document member of the same patent family		
Date of the actual completion of the international search		Date of mailing of the international search report
30 March 1999		01-04-1999
Name and mailing address of the ISA: Swedish Patent Office Box 5055, S-102 42 STOCKHOLM Facsimile No. +46 8 666 02 86		Authorized officer  Patrick Andersson Telephone No. +46 8 782 25 00

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/SE 98/02278

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	Br. J. Pharmacol, Volume 105, 1992, C. Advenier et al, "Formoterol and salbutamol inhibit bradykinin- and histamine-induced airway microvascular leakage in guinea-pig", page 792 - page 798, see especially page 794, column 2, lines 29-35  --	1-15
X	US 5668110 A (RONALD W. BARRETT ET AL), 16 Sept 1997 (16.09.97), column 22, line 23 - line 30; column 24, line 1 - line 13; column 26, line 9 - line 21, claim 15  --	1-15
X	WO 9619198 A1 (ASTRA AKTIEBOLAG), 27 June 1996 (27.06.96), page 6, line 1 - line 9, claim 19  -- -----	1-15

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/SE 98/02278

## Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 7,8,9  
because they relate to subject matter not required to be searched by this Authority, namely:  
Claims 7,8,9 relate to methods of treatment of the human or animal body by surgery or by therapy/diagnostic methods practised on the human or animal body /Rule 39.1(iv).  
Nevertheless, a search has been executed for these claims. The search has been based on the alleged effects of the compounds/compositions.
2. ☐ Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.  
☐ No protest accompanied the payment of additional search fees.

**INTERNATIONAL SEARCH REPORT**  
Information on patent family members

02/03/99

International application No.

PCT/SE 98/02278

Patent document cited in search report			Publication date	Patent family member(s)	Publication date
US	5668110	A	16/09/97	NONE	
WO	9619198	A1	27/06/96	AU 4359396 A	10/07/96
				BR 9510510 A	07/07/98
				CA 2206782 A	27/06/96
				CN 1170356 A	14/01/98
				CZ 9701947 A	15/10/97
				EP 0806940 A	19/11/97
				FI 972655 A	19/06/97
				HU 77775 A	28/08/98
				IL 116460 D	00/00/00
				JP 10510829 T	20/10/98
				NO 972681 A	11/06/97
				PL 320856 A	10/11/97
				SE 9404469 D	00/00/00
				SK 81197 A	05/11/97
				ZA 9510754 A	24/06/96
				SE 9502452 D	00/00/00